IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 25814 of 2007(W)

PETITIONER:

K.SHAJIMON, S/O.KOYA, KOTTILINGAL HOUSE,
KUNDUKADAVU VALAVU, KARUKATHIRUTHI P.O.
CONVENER, POWRA SAMITHY, KARUKATHIRUTHY.

BY ADV. SRI.C.A.MAJEED

RESPONDENTS:

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1. THE PONNANI MUNICIPALITY,
REPRESENTED BY IT'S SECRETARY,
MALAPPURAM DISTRICT.

2. THE ASSISTANT EXCISE COMMISSIONER,
MALAPPURAM DISTRICT.

3. THE DISTRICT COLLECTOR, MALAPPURAM
DISTRICT.

4. T.C.VENUGOPAL, S/O.CHELLAPPAN,
THOPUVELIYIL HOUSE, ERIKKAMANNA DESOM,
EZHAVATHIRUTHI AMSOM, PONNANI TALUK,
MALAPPURAM DISTRICT.

5. K.RAJAN, S/O.KUNHIKRISHNAN,
KEEZHVANCHERRY HOUSE, EDAPPAL AMSOM,
DESOM, PONNANI TALUK, MALAPPURAM DISTRICT.

6. SUBRAMANYAN, THEKKATH HOUSE,
PALLAPPRAM AMSOM, PONNANI TALUK,
MALAPPURAM DISTRICT.

R4 TO R6 BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS
SRI.C.V.MANUVILSAN
R1 BY ADV. SRI.P.K.KHALEEMUDHEEN
SRI.ANIL KUMAR P.C.
R2 BY ADV. SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 25814 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE LICENCE ISSUED BY THE 2ND RESPONDENT.

EXT.P2 : TRUE COPY OF THE ORDER DT.16.08.07 OF THE HON'BLE HIGH COURT OF KERALA IN PWC No.22780/07.

EXT.P3 : TRUE COPY OF THE COMPLAINT DT.17.08.07 SUBMITTED TO THE EXCISE COMMISSIONER BY THE PETITIONER.

EXT.P4 : TRUE COPY OF THE COMPLAINT DT.17.08.07 TO THE SECRETARY, PONNANI MUNICIPALITY.

EXT.P5 : TRUE COPY OF THE DOCUMENT NO.2779/07 DT.13.06.07.

EXT.P6 : TRUE COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBOOMI DAILY ON 17.06.07.

EXT.P7 : TRUE COPY OF THE COMPLAINT DT.30.07.07.

EXT.P8 : TRUE COPY OF THE MASS REPRESENTATION DATED 18.06.07 SUBMITTED TO THE 3RD RESPONDENT.

EXT.P9 : TRUE COPY OF THE TRUE COPY OF THE RESOLUTION PASSED BY PONNANI MUNICIPAL COUNCIL IN ITS MEETING HELD ON 31.07.07.

RESPONDENTS' EXHIBITS:

EXT.R4(A) : TRUE COPY OF THE APPLICATION DATED 15.08.07 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE 1ST RESPONDENT.

EXT.R4(B) : TRUE COPY OF THE LETTER DATED 15.08.07 PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

/TRUE COPY/

PA TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) No. 25 814 OF 2007

Dated this the 1st day of December, 2007

JUDGMENT

The grievance of the petitioner is that respondents 4 to 6 are conducting a toddy shop in the area of the 1st respondent Municipality even without having a D & O licence issued in that regard by the Municipality. The party respondents have filed a statement wherein it has been stated that they are not presently conducting any toddy shop. They, however state that they have applied for licence before the Municipality. Mr.Manu Wilson for the Municipality submits that a licence application has been received from 4th respondent. Under these circumstances, I dispose of the Writ Petition itself, without examining the merits of the various grounds raised, issuing the following directions:

The 1st respondent will take up the application for licence received from the 4th respondent and Ext.P4 representation submitted by the petitioner simultaneously. Decisions will be taken on the licence application and Ext.P4 representation by the 1st respondent after hearing the petitioner and the 4th respondent. Decision will be taken at the earliest and at any rate within one month of receiving copy of this judgment and copy of this Writ Petition. As regards the request of the petitioner that the 2nd respondent be directed to consider the representation filed by the

petitioner challenging the licence granted by the statutory authorities to the 4th respondent, the petitioner is permitted to agitate that issue in separate proceedings.

(PIUS C.KURIAKOSE, JUDGE)

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